

## WIOA – Reauthorization of the Rehabilitation Act Definitions

OLD DEFINITION	NEW DEFINITION
<p><b>Competitive Employment</b> means -</p> <p>Work</p> <ul style="list-style-type: none"> <li>(i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and</li> <li>(ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.</li> </ul> <p><i>(Integrated employment is not defined, Integrated <b>setting</b> is defined)</i></p> <p><b>Integrated setting</b> means-</p> <ul style="list-style-type: none"> <li>(i) With respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals;</li> <li>(ii) With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals who are providing services to those applicants or eligible individuals to the same extent that</li> </ul>	<p><b>COMPETITIVE INTEGRATED EMPLOYMENT</b> means –</p> <p>Work that is performed on a full-time or part-time basis <i><b>(including self-employment)</b></i>—</p> <p>“(A) for which an individual—</p> <p>“(i) is compensated at a rate that—</p> <p>“(I)(aa) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and</p> <p>“(bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or</p> <p>“(II) <i>in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and</i></p>

<p>non-disabled individuals in comparable positions interact with other persons.</p>	<p>“(ii) is eligible for the level of benefits provided to other employees;</p> <p>“(B) that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and</p> <p>“(C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.”;</p>
<p><b>Supported Employment Services</b> means –</p> <p>Ongoing support services and other appropriate services needed to support and maintain an individual with the most significant disability in supported employment that are provided by the designated State unit –</p> <ul style="list-style-type: none"> <li>(i) For a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time to achieve the employment outcome identified in the Individualized Plan of Employment; and</li> <li>(ii) Following transition, as post-employment services that are unavailable from an extended services provider that are necessary to maintain or regain the job placement or advance in employment.</li> </ul>	<p><b>Supported Employment Services</b> means –</p> <p>Ongoing support services, <i><b>including customized employment</b></i>, needed to support and maintain an individual with a most significant disability in supported employment, that—</p> <p>“(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment;</p> <p>“(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and</p> <p>“(C) are provided by the designated State unit for a period of not more than <b>24 months</b>, except that period may be extended, if necessary, in order to achieve the employment outcome identified in</p>

	the individualized plan for employment.”
<p><b>Supported Employment</b> means -</p> <ul style="list-style-type: none"> <li>(i) Competitive employment in an integrated setting, or employment in integrated work settings in which individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the individuals with ongoing support services for individuals with the most significant disabilities – <ul style="list-style-type: none"> <li>(A) For whom competitive employment has not traditionally occurred or for who competitive employment has been interrupted or intermittent as a result of a significant disability; and</li> <li>(B) Who, because of the nature and severity of their disabilities, need intensive supported employment services from the</li> </ul> </li> </ul>	<p><b>Supported Employment</b> means-</p> <p>Competitive integrated employment, <i><b>including customized employment</b></i>, or employment in an integrated work setting in which individuals are <i><b>working on a short-term basis</b></i> toward competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities—</p> <p>“(A)(i) for whom competitive integrated employment has not historically occurred; or</p> <p>“(ii) for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and</p> <p>“(B) who, because of the nature and severity of their disability, need intensive supported employment services and extended services after</p>

<p>designated State unit and extended services after transition as described in paragraph (b)(20) of this section to perform this work; or</p> <p>(ii) Transitional Employment as defined in paragraph (b)(54) of this section, for individuals with the most significant disabilities due to mental illness.</p>	<p>the transition described in paragraph (13)(C), in order to perform the work involved.</p>
	<p><b>Customized Employment</b> means –</p> <p>Competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as—</p> <p>“(A) job exploration by the individual;</p> <p>“(B) working with an employer to facilitate placement, including—</p> <p>“(i) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;</p> <p>“(ii) developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;</p> <p>“(iii) representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to</p>

	<p>facilitate placement; and</p> <p>“(iv) providing services and supports at the job location.”</p>
	<p><b>Extended Services for Youth with the Most Significant Disabilities</b> means –</p> <p>“Fund allotted under this title, or title 1, and used for the provision of services under this title to youth with the most significant disabilities may be used to provide extended services to youth with the most significant disabilities. <b>Such extended services shall be available for a period not to exceed 4 years.</b>”</p>
	<p><b>Pre-employment activities</b> means –</p> <p>School based preparatory experiences, job exploration counseling, work-based learning experiences and counseling in transition or post-secondary program.</p>